

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6142 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

CHANDRASINH RAMSINH RAJ

Versus

SHIVABHAI CHHOTABHAI PATEL

Appearance:

MR BS PATEL for Petitioners
None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/08/1999

ORAL JUDGEMENT

Heard learned counsel for the petitioner.

Under the impugned order the application filed by the petitioner No.1, since deceased and the petition for condonation of delay cause in filing of the application

for compensation under the Workman Compensation Act, 1932 on the file of Natubhai (deceased) have been rejected.

The learned counsel for the petitioner contended that the Workman Compensation Commissioner, Nadiad has committed serious error of the jurisdiction in rejecting the application for condonation of delay caused in filing of the application for compensation. In such matters what the learned counsel for the petitioner contended that the Commissioner should have been very very liberal and the rule should have been to grant the application.

It is true that the Workman Compensation Commission is to be liberal in this matter but that does not mean that the rule should have been to grant the application if the application filed beyond limitation. It is the duty of the applicant to prima facie satisfy that they were prevented from sufficient cause to approach to the Workmen' Compensation Commissioner within the period of the limitation. From the facts of this case I find that the petitioners have failed to make out any case for condonation of this long delay of 2 years 10 months in filing of the petition. If we go by the facts of this case, they were well aware of the matter but still have not chosen to file application within limitation or within reasonable time after expiry thereof.

In the facts of this case, the Workmen' Compensation Commissioner has not committed any error much less a jurisdictional error in rejecting the application of the petitioners for condonation of delay caused in filing of the main application for compensation and hence no interference is called for in this order of the Workman Compensation Commissioner.

In the result, this Special Civil Application fails and the same is dismissed. Rule discharged.

(S.K.Keshote, J.)

*Pvv